**HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**

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**CORAM : HON'BLE SHRI S.R.NAYAK, CJ.**
**HON'BLE SHRI V.K.SHRIVASTAVA, J.**

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**Writ Petition No. 877 of 2006**

**PETITIONER** : Shashi Kumar Bhagat, S/o Shri MR Bhagat, Aged about 39 years, R/o Village Bhurkela, Post-Jaria, Dist-Jashpur (CG)

Versus

**RESPONDENTS** :

1. State of Chhattisgarh through the Secretary School Education Department, Mantralaya, Dau Kalyan Singh Bhavan, Raipur (Chhattisgarh)
2. Chhattisgarh Madhyamik Shiksha Mandal, Raipur (Chhattisgarh)
3. Collector, District - Jashpur (Chhattisgarh)
4. Superintendent of Police, District - Jashpur (Chhattisgarh)
5. District Education Officer, Jashpur (Chhattisgarh)

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**Present :-**

Shri Amrtio Das, learned counsel for the petitioner.

Shri Prashant Mishra, learned Addl. Advocate General for the State/respondents No.1, 3, 4 & 5.

Shri H.B. Agrawal, Sr. Advocate with Ku. Sangeeta Mishra, learned counsel for respondent No.2.

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**ORAL ORDER**
**(Dated 9th November, 2006)**

The following oral order of the Court was passed by

**S.R. Nayak, C.J.**

At the time of hearing it was brought to our notice by learned Additional Advocate General of the State that the examinations have already been conducted by the Chhattisgarh Madhyamik Shiksha Mandal, Raipur, the second respondent herein.

In that view of the matter, granting relief to the petitioner as sought in the petition would not arise. The point raised in the writ petition, therefore, has become academic. The writ petition is accordingly disposed of as infructuous. No costs.

However, we take strong exception to the attitude of the second respondent-Board. In this writ petition notice was ordered as earlier as on 21-2-2006, but, the Board has not chosen to file return meeting the allegations made against them in the writ petition.

Learned counsel for the petitioner submitted that the petitioner has filed the writ petition as pro bono public character without seeking any relief to himself and spending considerable money apart from depositing a sum of Rs.2,000/- towards security deposit and, therefore, the Court be pleased to refund at least the security deposit.

In the absence of the return on the part of the second respondent-Board meeting allegations made in the writ petition, we have no good reason to think that the allegations made in this writ petition are baseless and/or mischievous. A pro bono public character who has moved this writ application to espouse public interest should not be burdened with the liability to pay security deposit and incur other expenditure. There is nothing on record to show that the petitioner is not a pro bono publico and he has filed this writ petition as vexatious measure and for some extraneous consideration.

In that view of the matter, we think that the petitioner is entitled to seek refund of security deposit, but, at the same time. In that view of the matter, we direct that the security deposit of Rs.2,000/- furnished by the petitioner be refunded to him, but, we direct the second respondent to deposit a sum of Rs.2,000/- to the Chhattisgarh High Court Legal Services Committee within two weeks. Office to report compliance.

**Sd/-**
**Chief Justice**

**Sd/-**
**V.K. Shrivastava**
**Judge**

Raju